

Attorney Docket No. 65678-0042

#4  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Bly, et al.

Serial No.: 09/990,911

COPY OF PAPERS  
ORIGINALLY FILED

Filed: November 14, 2001

For: SYSTEM AND METHOD FOR DISPOSING OF ASSETS

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
MAR 18 2002  
OFFICE OF PETITIONS

PETITION

PURSUANT TO 37 CFR 1.47 INVOLVING THE REFUSAL  
OF A CO-INVENTOR TO EXECUTE THE POWER OF ATTORNEY

Pursuant to 37 CFR 1.47, counsel for the inventors makes the above-identified Petition according to the following facts:

1. The Patent Office has issued an A Notice to File Missing Parts of Nonprovisional Application—Filing Date Granted, on December 6, 2001.
2. As of today's date, all of the necessary Power of Attorney documents have been executed by J. Aaron Bly, David T. Spieldenner, Aaron Roth, and Patrick O'Brien, but not by Andrew F. Suhy, Jr. or Brent Parent.
3. As of today's date, all remaining issues raised in the Notice to File Missing Parts have been addressed.
4. At the time that the parent application was filed, Dana Corporation employed Messrs. Suhy and Parent. Sometime after the application was filed, Messrs. Suhy and Parent ceased their employment with Dana Corporation.
5. On November 16, 2001, a letter was sent to Brent Parent at his last known home address of 247 Stone Oak Court, Holland, Ohio 43528, requesting that he execute the Power of Attorney for the above-identified application, as shown in paragraph 3 of the letter. A copy of the letter as well as a copy of the Combined Declaration and Power of Attorney form sent to Mr. Parent is attached as Exhibit A.

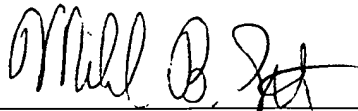
6. On November 16, 2001, a letter was sent to Andrew F. Suhy, Jr. at two last known addresses of 30 Avenue at Port Imperial #301, West New York, NJ 07093 and 8022 North Bridge Way, Maumee, OH 43537, requesting that he execute the Power of Attorney for the above-identified application, as shown in paragraph 3 of the letter. A copy of the letter as well as a copy of the Combined Declaration and Power of Attorney form sent to Mr. Suhy is attached as Exhibit B.

7. The undersigned received a message from Mr. Suhy. He acknowledged receipt of the November 16, 2001, letter. However, he refused to sign the papers. Mr. Suhy commented that he had been in contact with Mr. Parent, and specifically questioned what risk/rewards were involved now that he was no longer an employee of the assignee Dana Corporation. Attempts to talk with Mr. Suhy using his mobile phone number were unsuccessful. The undersigned personally spoke with Mr. Parent, who again refused to execute any documents associate with his former employer. However, Mr. Parent agreed to pass on a clarification of the reasons associated with a need for signatures to Mr. Suhy.

37 CFR 1.47(a) notes that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. It is respectfully submitted that with the submission of Combined Declaration and Power of Attorney documents from all of the other inventors, the application for patent has been appropriately made by the other inventors. Further, in view of the facts noted above, it is respectfully submitted that diligent effort has been made to provide the non-signing inventors with the necessary documents.

Therefore, in view of the foregoing statements and accompanying exhibits, it is respectfully submitted that a proper showing has been made pursuant to 37 CFR 1.47 to address the Notice to File Missing Parts.

Respectfully submitted,



Michael B. Stewart, Reg. No. 36,018  
Attorney for Applicants  
RADER, FISHMAN & GRAUER PLLC  
39533 Woodward, Suite 140  
Bloomfield Hills, MI 48304

Date: February 4, 2002

Customer No. 010291  
Telephone No. (248) 594-0633

R0137314.DOC

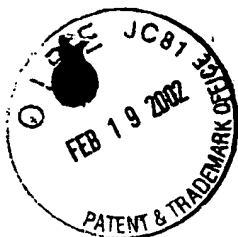
**RADER,**

**FISHMAN**

**& GRAUER**

PLLC

**VIA FEDERAL EXPRESS**  
(Signature Release – Saturday Delivery)



**COPY OF PAPERS  
ORIGINALLY FILED**

39533 Woodward Ave., Ste. 140  
Bloomfield Hills, Michigan 48304  
Tel: (248) 594-0600  
Fax: (248) 594-0610

Michael B. Stewart  
(248) 594-0633  
mbs@raderfishman.com

November 16, 2001

Brent C. Parent  
247 Stone Oak Court  
Holland, OH 43528

Re: U.S. Patent Application for APPARATUS AND METHOD FOR TRACKING  
AND MANAGING PHYSICAL ASSETS  
Dana Case 5397 DCCSP; Our Ref. 65678-0037

U.S. Continuation-in-Part Patent Application for SYSTEM AND METHOD FOR  
DISPOSING OF ASSETS  
Dana Case 5672 DCCSP; Our Ref. No. 65678-0042

Dear Brent:

We apologize for continuing to send papers to you when you have expressed to me on more than one occasion that you refuse to sign any documents associated with your prior employment with Dana Commercial Credit Corporation.

We have already communicated with you concerning the above-identified 65678-0037 application. We have sent you a Combined Declaration and Power of Attorney, which you refused to execute. Our papers indicate that the copy of the Combined Declaration and Power of Attorney that we sent to you listed all of the inventors and the signatures of all co-inventors with the exception of Andy Suhy and yourself. Nevertheless, to address a potential issue raised by the U.S. Patent Office, we re-enclose a copy of this Combined Declaration and Power of Attorney and again request that you execute it and return it to my attention for filing. You have already received a copy of the application as a result of our prior correspondence. Nevertheless, we again enclose a copy of the application for your review. It would be greatly appreciated if you would execute the Combined Declaration and Power of Attorney and return it to my attention by November 28, 2001, so that we may timely file it with the U.S. Patent Office. For your convenience, we enclose a self-addressed, stamped envelope.

We would also appreciate your continued assistance with respect to the above-identified 65678-0042 application, which was filed on November 14, 2001. It is a continuation-in-part application. We enclose a copy of the Combined Declaration and Power of Attorney and Assignment that has been executed by most of the inventors for the application along with a copy of the application. We would appreciate it if you could sign these documents and return them to us.

**RADER,**

**FISHMAN**

**& GRAUER**

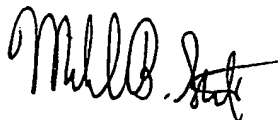
PLLC

Brent C. Parent  
November 16, 2001  
Page 2

If it turns out that you are again unwilling to execute any of the enclosed documents, I would appreciate the courtesy of a telephone call so that I can so inform the U.S. Patent Office. My office telephone number is (248) 594-0633 as indicated above. If you wish to speak over the weekend, my home telephone number is (248) 644-1863. Finally, my portable number is (248) 390-0633.

Very truly yours,

**RADER, FISHMAN & GRAUER PLLC**



Michael B. Stewart

MBS/amv

Enc.

cc: Linda Lentz (w/enc.)  
Robert M. Leonardi, Esq. (w/enc.)

R0130365.DOC

**RADER,**

**FISHMAN**

**& GRAUER**

PLLC

VIA FEDERAL EXPRESS  
(Signature Release – Saturday Delivery)

39533 Woodward Ave., Ste. 140  
Bloomfield Hills, Michigan 48304  
Tel: (248) 594-0600  
Fax: (248) 594-0610

Michael B. Stewart  
(248) 594-0633  
mbs@raderfishman.com

November 16, 2001

Andrew F. Suhy, Jr.  
30 Avenue at Port Imperial #301  
West New York, NJ 07093

Andrew F. Suhy, Jr.  
8022 North Bridge Way  
Maumee, OH 43537

Re: U.S. Patent Application for APPARATUS AND METHOD FOR TRACKING  
AND MANAGING PHYSICAL ASSETS  
Dana Case 5397 DCCSP; Our Ref. 65678-0037

U.S. Continuation-in-Part Patent Application for SYSTEM AND METHOD FOR  
DISPOSING OF ASSETS  
Dana Case 5672 DCCSP; Our Ref. No. 65678-0042

Dear Andy:

Thank you for your prior assistance in completing a Combined Declaration and Power of Attorney with respect to the above-identified 65678-0037 application. For your convenience, a copy of the executed Combined Declaration and Power of Attorney is enclosed along with a copy of the application as filed. The U.S. Patent Office has requested that you execute a Combined Declaration and Power of Attorney that lists all of the inventors. Therefore, we would appreciate your assistance in executing a copy of the Combined Declaration and Power of Attorney as originally filed with the U.S. Patent Office. To the extent that your address is incorrect, please cross it out and insert the correct home address as well as your country of citizenship. We request that we receive your signed Combined Declaration and Power of Attorney no later than November 28, 2001. This is the date by which the U.S. Patent Office has requested that we respond to the most recent communication. For your convenience, we enclose a self-addressed, stamped envelope.

While we are sending this communication to the most recent address of yours that we have on file, and the address at which we have spoken before, it is our understanding that you may have moved back to the Toledo area. A third party provided the second address above to us. As a result, we hereby send a copy of this letter and the attachments to the second address listed above as well.

**RADER,**

**FISHMAN**

**& GRAUER**

**PLLC**

Andrew F. Suhy, Jr.  
November 16, 2001  
Page 2

We would also appreciate your assistance with respect to the above-identified 65678-0042 application, which was filed on November 14, 2001. It is a continuation-in-part application. We enclose a copy of the Combined Declaration and Power of Attorney and Assignment that has been executed by most of the inventors for the application. We would appreciate it if you could sign these documents and return them to us.

If it turns out that you are unwilling to execute any of the enclosed documents, I would appreciate the courtesy of a telephone call so that I can so inform the U.S. Patent Office. My office telephone number is (248) 594-0633 as indicated above. If you wish to speak over the weekend, my home telephone number is (248) 644-1863. Finally, my portable number is (248) 390-0633.

Very truly yours,

**RADER, FISHMAN & GRAUER PLLC**



Michael B. Stewart

MBS/amv

Enc.

cc: Linda Lentz (w/enc.)  
Robert M. Leonardi, Esq. (w/enc.)

R0130354.DOC